

REMARKS

Claims 60, 66, 67, 70, 76, 77, 78, 113, and 114 have been amended. Claims 1-59, 62, 69, 73, 80-112, 115 and 117 have been cancelled. No new matter has been added. Thus, claims 60, 61, 63-68, 70-72, 74-79, 113, 114, 116, and 118-123 are now pending in the application. Applicants note with appreciation the withdrawal of the restriction of claims 67 and 78, and further note with appreciation the indication that claims 66, 76, and 77 include allowable subject matter. In view of the above amendments and the following remarks, it is respectfully submitted that these claims are in condition for allowance.

Claims 60, 61, 63-68, 70-72, 74, 75, 78, 79, 122, and 123 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,848,989 to Villani. The Examiner believes that the entry site and access site of claim 60 is met in Villani by penetrating the same septum in two different locations. Applicants have amended claim 60 by having it recite that an entry through the entry site is achieved via the self-sealing septum, and that an access through the access site is achieved without penetrating the self-sealing septum. Thus, access through the access site in the claimed invention is to be accomplished through a location other than where the septum is located. Support for this amendment is found at least in Figure 4, which shows access via an access site through a first septum 16 and entry through an entry site via a second septum 20 that is different than the first septum. Unlike the interpretation of Villani by the Examiner, the entry or access through the respective entry and access sites in the claimed invention is not achieved via the same septum. Accordingly, withdrawal of the rejection of claim 60 is respectfully requested. Moreover, this argument applies to claims 70, 113, and 114 and their respective dependent claims.

Claim 67 has been amended to recite that an entry through the entry site is achieved through a first opening in the upper body part, and that an access through the access site is achieved through a second opening in the upper body part that is different than the first opening.

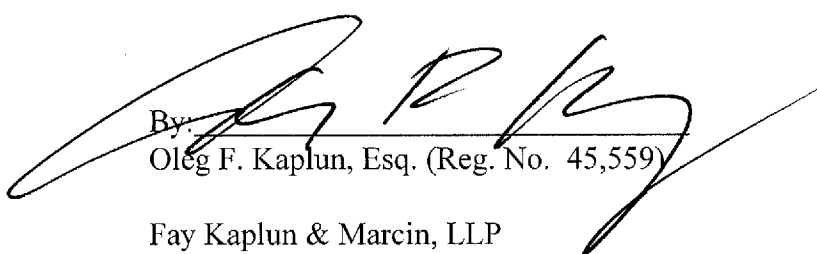
Support for this amendment is found at least in Figure 9. As shown there, access to the access site is through a first opening at the top of the access port, and entry through the entry site is through a second opening 46 on the side of the port. Under the Examiner's interpretation of Villani, the entry and access sites are through the same septum. This septum is located in a single opening of the Villani port. Thus, unlike the claimed invention, which places the access and entry sites in different respective openings, the entry and access sites of Villani are through the same opening in the port. Therefore, withdrawal of the rejection of claim 67 is respectfully requested. This argument applies as well to claim 78.

Applicants have not responded to the double patenting rejection because the Examiner omitted identifying the claims of U.S. Patent No. 6,190,352 that serve as the basis for this rejection.

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: July 14, 2008

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